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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,422	07/25/2001	Makoto Endou	WN-2368	4143

466 7590 12/20/2004

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EXAMINER
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WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,422

Applicant(s)

ENDOU, MAKOTO

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20040227</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/27/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. With respect to Claim 1: the phrase “installed at a sender end requesting to send a package” is indefinite. It is unclear to the examiner who is action requesting the sending of the package.

4. With respect to Claims 1 and 5: the phrase “a receiver terminal unit installed at a receiver end being to receive the package” is indefinite. This phrase is grammatically incorrect and it is unclear what the word “being” is referring to.

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5. With respect to Claims 1 and 5: the phrase “a distribution center collecting and delivering the package: is indefinite. It is unclear to the examiner if the distribution center is actually collecting and delivering, or if the center is capable of performing these functions.

6. With respect to Claims 1-8: the phrases “a request specification information”, “a sender identify information”, “a collecting direction information”, “a collecting date information”, “a package identity information”, “an asking information”, “a receiving date information”, “a delivery direction information”, “a delivery finish information” are indefinite. The term “information” is a plural term, yet is designated by “a” which is a singular term, therefore causing the phrases to be unclear.

7. With respect to Claim 1: the phrase “picks up from said request specification information a sender identity information” is indefinite. It is unclear to the examiner what the term “picks up” is referring to. Does this mean the unit obtains information? Or does the information get physically picked up?

8. With respect to Claims 2 and 6: the phrase “for pickup the package” is indefinite. This phrase is grammatically incorrect, which the examiner believes should read “for pickup of the package”.

9. Claims 2 and 3 recite the limitation "the desired date and time". There is insufficient antecedent basis for this limitation in the claim.

10. With respect to Claims 2, 5 and 6: the phrase “picking up from said request specification information” is indefinite. It is unclear to the examiner what the term “picks up” is referring to. Does this mean the unit obtains information? Or does the information get physically picked up?

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11. With respect to Claims 4 and 8: the phrase “information representing that the package has been delivered” is indefinite. This phrase is grammatically incorrect and it is unclear what the term “representing that” is referring to.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kadaba (6,539,360).

14. With respect to Claims 1 and 5: Kadaba discloses a home delivery system and method (see abstract) comprising a sender terminal unit (17), receiver terminal unit (60), and a distribution center unit (15). Kadaba discloses the customers can be either the sender or the receiver (Column 6, lines 54-58). Kadaba discloses the distribution center unit receives request information for a package to be delivered from sender to receiver

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and generates directing information for the distribution center to pick-up the package (Column 6, lines 37-53 and Column 7, lines 22-40).

15. With respect to Claims 4 and 8: Kadaba discloses the distribution center sends the sender a delivery confirmation (Column 9, lines 4-55).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba in view of UPS ([www.ups.com](http://www.ups.com)).

18. With respect to Claims 2 and 6: Kadaba, as disclosed above for Claims 1 and 5, teaches the use of scheduling a pick-up of a package at the sender's end, but fails to disclose the request having a date and time for pick-up. UPS discloses an On Call Air Pickup system, where a user, over the internet can send scheduling information for a package to be picked up at a sender's location, and can schedule the date and time the it is to be picked up (See UPS On Call Air Pickup page). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kadaba, to include the requesting of date and time of package pickup, as disclosed by UPS, in order to increase convenience of knowing when the package is going to be picked up, and to make sure the shipment is ready for pickup. (See UPS On Call Pickup Page)

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19. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabada in view of Jones (6,748,318).

20. With respect to Claims 3 and 7: Kabada, as disclosed above for Claims 1 and 5, disclose a distribution center delivering a package to a receiver, but fails to disclose he distribution center asks the receiver for the desired date and time for delivery and generates information directing the center to deliver the package at that date and time. Jones discloses a shipping system and method, where the system allows the receiver to schedule (reschedule) a stop or delivery of a package (See Figures 1 and 2, and Column 11, lines 40-65, Column 26, lines 43-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kadaba, to include the scheduling of delivery option, of Jones, in order to inform a user when a delivery is going to be made, so the receiver can be available to receive the delivery. (See Jones, Columns 1 and 2).

### *Conclusion*

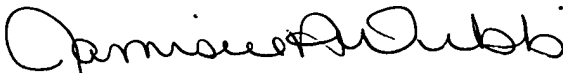
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guidice et al. (6,463,420) discloses the use of an online tracking system for parcel delivery, Theil (6,321,214) and Kara (6,233,568) disclose systems and methods for the arrangement of shipping an item, Sansone et al. (5,072,401) discloses a method where mail items are picked up for shipment, and Ramsden et al. (5,831,220) discloses the use of a shipping machine where a package is picked up from the machine and delivered to a receiver.

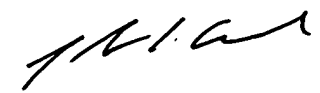
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jamisue Webb

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**